

# UTILITY PATENT APPLICATION TRANSMITTAL

## (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
1442.033C

Total Pages in this Submission  
4

### TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**A SOUND SYSTEM, A SPEAKER ASSEMBLY, AND A METHOD FOR PROVIDING SOUND FOR A SPA**

and invented by:

**GARDENIER, W. John and  
BRENNAN, Anthony**

03945 U.S. PTO  
10/656012  
09/05/03

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/621,749

Which is a:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/268,371

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 09/834,260

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 28 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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## Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☒ Formal      Number of Sheets      10
- b. ☐ Informal      Number of Sheets      \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy)      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☒ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement/PTO-1449      ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail (Specify Label No.): EV 270471925 US

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Total Pages in this Submission  
4

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

☒ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: **1**

18. ☐ Additional Enclosures (*please identify below*):

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19. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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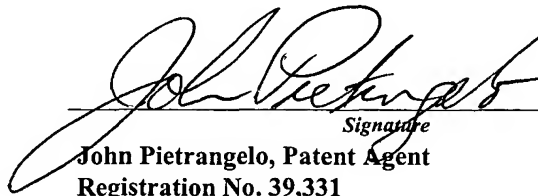
**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	20	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	3	- 3 =	0	x \$42.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$375.00
OTHER FEE (specify purpose) Assignment Recordation					\$40.00
TOTAL FILING FEE					\$415.00

- ☒ A check in the amount of **\$415.00** to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **08-1935** as described below.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: September 5, 2003

  
Signature  
John Pietrangelo, Patent Agent  
Registration No. 39,331  
Customer No. 23405

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gardenier, et al. Attorney Docket No.1442.033C  
Serial No.: Unassigned Group Art Unit: Unassigned  
Filed: Herewith Examiner: Unassigned  
Title: A SOUND SYSTEM, A SPEAKER ASSEMBLY, AND A METHOD FOR  
PROVIDING SOUND FOR A SPA

"EXPRESS MAIL" MAILING LABEL NO. EV 270471925 US

Date of Deposit: September 5, 2003

I hereby certify that this paper is being deposited with the U.S. Postal  
Service "Express Mail Post Office to Addressee" service under 37 CFR  
1.10 on the date indicated above and addressed to:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Christine Adkins  
(Typed or printed name of person mailing paper or fee)

  
(Signature of person mailing paper or fee)

**DOCUMENTS INCLUDED:**

U.S. Divisional Patent Application which includes:

- \* One (1) Acknowledgment Postcard;
- \* Check for \$415.00 for filing fee (\$375.); and Recordation Fee (\$40.);
- \* Certificate of Mailing by "Express Mail" Label No. EV 270471925 US;
- \* Utility Patent Application Transmittal Letter (4 pp.) (in duplicate);
- \* Specification 28 pp.;
- \* Formal Drawings (10 sheets);
- \* Preliminary Amendment Under 37 C.F.R. 1.115 with 20 claims (9 pp.);
- \* Copy of Declaration and Power of Attorney (from parent application) ( 3 pp.);
- \* Copy of Assignment (from parent application) w/ Recordation form Cover Sheet (3 pp.);
- \* Information Disclosure Statement ( 1 p.);
- \* Information Disclosure Citation ( 2 pp.) with 21 references;
- \* Assertion of Small Entity Status Under 37 CFR §1.27(c)(2) ( 1 p.);
- \* Application Data Sheet ( 2 p.);